

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ADDISU BAHTA, ZERAI KEFLU, and
ELIAS GODIFAY

Plaintiff,

v.

DIAMOND PARKING, INC. a Washington
corporation,

Defendant.

NO.

COMPLAINT FOR DAMAGES AND
INJUNCTIVE RELIEF

JURY DEMAND

Plaintiffs Addisu Bahta, Zerai Keflu and Elias Godifay, by and through their undersigned counsel of record, as and for their claims against Defendant, alleges as follows:

I. THE PARTIES

1.1. Plaintiffs Addisu Bahta, Zerai Keflu and Elias Godifay were employed by Diamond Parking, Inc. Plaintiffs live in King County, Washington and all facts giving rise to this lawsuit occurred in King County.

1.2. Defendant Diamond Parking, Inc., is a Washington corporation with its principal place of business in King County, Washington.

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II. JURISDICTION AND VENUE

2.1. Plaintiff alleges federal claims pursuant to Title VII of the 1964 Civil Rights Act and the Civil Rights Act of 1866 (42 U.S.C. § 1981).

2.2. Plaintiff also alleges state law claims pursuant to Washington's Law Against Discrimination, Ch. 49.60 RCW.

2.3. Plaintiff also alleges state claims pursuant to Washington's wage claim statute, Ch. 49.48 RCW.

2.4. This Court has jurisdiction pursuant to federal law over the federal claims herein, and has supplemental jurisdiction over the related state law claims pursuant to 28 U.S.C. § 1367.

2.5. Venue is proper in the Western District of Washington at Seattle because the wrongful acts alleged herein occurred in this judicial district.

III. STATEMENT OF FACTS

3.1 Plaintiff Addisu Bahta was hired by Defendant in June 1999. His employment was terminated as of November 30, 2008. Defendant provided him a letter dated December 4 stating that he was laid off "due to economic business needs."

3.2 Plaintiff Zerai Keflu was hired by Defendant in 1989. His employment was terminated as of December 5, 2008

3.3. Plaintiff Elias Godifay was hired by Defendant in 2002. His employment was terminated as of December 5, 2008

3.4. Plaintiffs are of Eritrean national origin. Their native language is Tigrinya.

3.5. Defendant laid off 6 individuals in the November-December 2008 time period. All 6 individuals selected for layoff are of Eritrean national origin and their native language is Tigrinya.

1 3.6 Other, less-experienced or less-qualified persons have been promoted instead
2 of Mr. Bahta.

3 3.7 Plaintiffs' race and national origin were a factor in Defendant's decision to
4 select them for layoff.

5 3.8 Additionally, when promotion decisions were made, Defendant took race into
6 account and discriminated against employees of African origin.

7 3.9 Each plaintiff filed a timely charge with the Equal Employment Opportunity
8 Commission and received a Notice of Right to Sue from that agency.

9 **IV. FIRST CAUSE OF ACTION:**

10 **RACE DISCRIMINATION UNDER 42 U.S.C. § 1981**

11 4.1. Plaintiffs reallege and incorporate herein the above allegations of paragraphs
12 1.1 through 3.8.

13 4.2. Defendant's employment actions toward Plaintiffs, including but not limited to
14 promotion and termination decisions, were motivated by Plaintiff's race and/or national
15 origin. Plaintiffs were discriminated against in the terms and conditions of employment
16 because of their race and/or national origin in violation of 42 U.S.C. § 1981.

17 4.3. As a result of Defendants' unlawful conduct, Plaintiffs have been damaged
18 both emotionally and financially. Such damages include, but are not limited to, lost past and
19 future wages and benefits, and damages as a result of emotional distress, in an amount to be
20 proved at trial.

21 4.4 Defendant's actions were intentional in nature or, at a minimum, in reckless
22 disregard of Plaintiffs' rights and, therefore, punitive damages should be awarded pursuant to
23 42 U.S.C. § 1981.

24 **V. SECOND CAUSE OF ACTION**

25 **Violations of Washington Law Against Discrimination**

26 **Race/National Origin Discrimination**

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1 5.1. Plaintiffs reallege and incorporate herein the above allegations of paragraphs
2 1.1 through 4.4.

3 5.2. Defendant's conduct, acts and omissions constitute race and/or national origin
4 discrimination in violation of the Washington Law Against Discrimination, Chapter 49.60
5 R.C.W.

6 5.3. As a result of the conduct of the Defendants, Plaintiffs suffered injuries and
7 damages, including past and future economic loss, pain and suffering, emotional distress, loss
8 in quality of life, and other general compensatory damages in an amount to be proven at trial.

9 **VI. THIRD CAUSE OF ACTION:**

10 **Title VII Race/National Origin Discrimination**

11 6.1. Plaintiff realleges and incorporates herein the above allegations of paragraphs
12 1.1 through 5.3.

13 6.2. Defendant's employment actions toward Plaintiffs amounted to discrimination
14 in the terms and conditions of employment because of Plaintiff's race or national origin. This
15 violates 42 U.S.C. § 2000, et. seq.

16 6.3. As a result and proximate cause of such conduct by the Defendants, Plaintiff
17 has suffered injuries and damages including past and future economic loss, pain and suffering,
18 emotional distress, loss in quality of life, and other general compensatory damages in an
19 amount to be proven at trial.

20 **VII. JURY DEMAND**

21 7.1. Plaintiffs hereby request and demand a trial by jury.

22 **IX. PRAYER FOR RELIEF**

23 WHEREFORE, Plaintiff prays for relief as follows:
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C. For such other and further relief as the Court deems just and equitable.

Dated this 24th day of September, 2009.

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Attorney for Plaintiffs

CERTIFICATE OF SERVICE

I, Alex J. Higgins, hereby certify under penalty of perjury under the laws of the State of Washington that on September __, 2009, I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record. I further certify that, if applicable, I have served any attorneys of record who are non-CM/ECF participant via facsimile.

DATED this 24th day of September, 2009 at Seattle, Washington.


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